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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,964	07/03/2003	Mark Vaughn	100202889-1	6789

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

OBEID, FAHD A

ART UNIT	PAPER NUMBER
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3609

MAIL DATE	DELIVERY MODE
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09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,964

Applicant(s)

VAUGHN, MARK

Examiner

Fahd A. Obeid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/03/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/14/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Status of the Application

1. **Claims 1-25** are pending in this application.

Drawings

2. The drawings are objected to because fig 2 contains a misspelled term "vendor provile". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Reifel (US 7,013,288).**

5. Regarding Claims 1, 10, 19, and 22: Reifel discloses a method for print fulfillment, comprising the steps of:

- Maintaining a print quantity in a server (col 2 lines 5-10 and col 6 lines 20-42).
- The print quantity being associated with a recipient (fig 8 - 9)
- Accumulating a collection of images received from an originator in the server (figs 8-9).
- The collection of images being associated with the recipient (figs 8-9).

Implementing a printing of the images included in the collection of images when a total number of the images included in the collection of images breaches the print quantity (figs 2-4, col 4 lines 20-30, col 13 lines 33-36, col 16 lines 19-37 and claim 11).

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6. Regarding Claims 2, 11, 20, and 23: Reifel disclose a method of claim 1, wherein the step of implementing the printing of the image included in the collection of images when the total number of the images included in the collection of images breaches the print quantity further comprises the steps of: printing each of the images in the collection of images; and shipping the images to the recipient (figs 8-9, col 13 lines 35-37, col 17 lines 12-16, and col 18 lines 36-48).

7. Regarding Claims 3, 12, 21, and 24: Reifel disclose a method of claim 1, wherein the step of implementing the printing of the images included in the collection of images when the total number of the images included in the collection of images breaches the print quantity further comprises the steps of:

- Transmitting each of the images in the collection of images to a print vendor for printing (col 5 lines 28-30, col 12 lines 17-27, and col 15 lines 55-60)
- Transmitting a ship address associated with the recipient to the print vendor to facilitate shipping of printed ones of the image to the recipient (figs 4, 5, 7A, col 18 lines 26-29, and col 18 lines 36-48).

8. Regarding Claims 4, 13 and 25: Reifel disclose a method of claim 3, further comprising the step of tracking a total number of the images transmitted to the print vendor for printing (col 9 lines 32-38, col 12 lines 49-62, and col 16 lines 34-37).

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9. Regarding Claims 5 and 14: Reifel disclose a method of claim 1, further comprising the step of implementing the printing of the images included in the collection of images upon receipt of an order for immediate printing of the collection of images from the originator (figs 3-5, col 5 lines 45-61, and col 6 lines 37-42).

10. Regarding Claims 6 and 15: Reifel disclose a method of claim 1, wherein the step of accumulating the collection of images received from the originator in the server further comprises the steps of:

- Receiving a number of images from the originator (figs 5 and 8).
- Adding each of the number of images to the collection of images (figs 5 & 8, and col 6 lines 37-42).
- Determining if the total number of the images included in the collection of images breaches the print quantity after adding each of the number of images to the collection of images (col 16 lines 29-37).

11. Regarding Claims 7 and 16: Reifel disclose a method of claim 1, further comprising the step of acknowledging a receipt of a number of images to the originator (col 19 lines 42-51).

12. Regarding Claims 8 and 17: Reifel disclose a method of claim 1, further comprising the step of sending a print notification to the originator when the total

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number of the images included in the collection of images breaches the print quantity (col 19 lines 42-51).

13. Regarding Claims 9 and 18: Reifel disclose a method of claim 1, further comprising the step of obtaining a payment for the implementation of the printing of the images included in the collection of images when the total number of the images included in the collection of images breaches the print quantity (fig 8-9, col 5 lines 35-44, col 11 lines 4-6, col 20 lines 50-57).

Citation Of Relevant Prior Art

14. **The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.**

15. Reference (US 6,332,146) is cited to show management and order delivery system for storing and printing digital images.

16. Reference (US 2003/0040974) is cited to show a method and system for allowing a consumer to order digital images over a communication network from a plurality of different providers.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fahd A. Obeid whose telephone number is 571-270-3324. The examiner can normally be reached on Monday to Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fahd Obeid
Patent Examiner


AKM ULLAH
SUPERVISORY PATENT EXAMINER